



# CITY OF NEWPORT BEACH LAND USE ELEMENT ADVISORY AMENDMENT COMMITTEE AGENDA

Newport Beach Central Library  
Friends Room  
1000 Avocado Avenue  
Tuesday October 1, 2013  
3:30 p.m. – 5:00 p.m.

## **Committee Members**

Ed Selich, Councilmember (Chair)  
Nancy Gardner, Council Member  
Kory Kramer, Planning Commissioner  
Larry Tucker, Planning Commissioner  
Craig Batley, Member-At-Large  
Michael Melby, Member-At-Large  
Patricia Moore, Member-At-Large  
Jim Walker, Member-At-Large  
Paul Watkins, Member-At-Large

## **Staff Members**

Kim Brandt, Community Development Director  
Brenda Wisneski Deputy Community Development Director  
Gregg Ramirez, Senior Planner  
Leonie Mulvihill, Assistant City Attorney  
Tony Brine, Traffic Engineer  
Woodie Tescher, The Planning Center | DC&E (consultant)  
Marissa Aho, The Planning Center | DC&E (consultant)  
Marlie Whiteman, Urban Crossroads (consultant)

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- 1) **CALL MEETING TO ORDER**
  - 2) **APPROVAL OF MINUTES**  
*Recommended Action: Approve September 17, 2013 Meeting Minutes (Attachment 1)*
  - 3) **RECAP OF PLANNING COMMISSION AND CITY COUNCIL STUDY SESSIONS**
  - 4) **ADDITIONAL STAFF RECOMMENDATIONS** (Attachment 2)
    - a. Mariners' Mile
    - b. Airport Area*Recommended Action: No Action Required.*
  - 5) **FINALIZE LAND USE CHANGES TO BE CONSIDERED IN ENVIRONMENTAL IMPACT REPORT**
    - a. Potential Land Use Changes Chart (Attachment 3)
    - b. Other*Recommended Action: Review Chart and Recommend Land Use Changes.*
  - 6) **NEXT STEPS**
  - 7) **PUBLIC COMMENTS ON NON-AGENDA ITEMS**
  - 8) **ADJOURNMENT** – *Next Meeting November 5, 2013 at 3:30pm*

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov)).

# **Attachment No. 1**

September 17, 2013 Meeting Minutes

**City of Newport Beach  
Land Use Element Amendment Advisory Committee Minutes**

Date: September 17, 2013

Location: Oasis Senior Center – 801 Narcissus Ave, Room 1

Members Present: Edward Selich, Council Member (Chair) (Left at 5:23)  
Nancy Gardner, Council Member  
Larry Tucker, Planning Commission  
Craig Batley, At-Large  
Michael Melby, At-Large  
Patricia Moore, At-Large  
Jim Walker, At-Large (Arrived at 4:28)  
Paul Watkins, At-Large

Members Absent: Kory Kramer, Planning Commission

Staff: Kim Brandt, Community Development Director  
Brenda Wisneski, Deputy Community Development Director  
Gregg Ramirez, Senior Planner  
Leonie Mulvihill, Assistant City Attorney  
Tony Brine, Traffic Engineer  
Woodie Tescher, The Planning Center|DC&E (consultant)  
Marissa Aho, The Planning Center|DC&E (consultant)  
Marlie Whiteman, Urban Crossroads (consultant)

**I. Call Meeting to Order**

The meeting was called to order at 3:35 p.m. by Chair Selich.

**II. Approval of Minutes**

Motion (Watkins) to approve minutes as augmented by the September 3<sup>rd</sup> audiotape with minor corrections submitted by Jim Mosher, and Paul Watkins.

**III. Recap of September 9<sup>th</sup> Public Information Meeting**

Wisneski presented an overview of the Public Information Meeting and indicated that the PowerPoint presentation given by Tescher at the meeting would be available on the LUEAAC's webpage. Wisneski mentioned that the next public meeting would be the EIR Scoping meeting in November.

Jim Mosher commented that the Committee should consider 4 acres of publically owned land know as the Lower Castaways.

**IV. Additional Staff Recommendations**

**a. Mariners' Mile**

Tescher gave an overview from the last meeting which indicated that building heights were an impediment to redevelopment. Building height is not called out in the General Plan, only Zoning Code but the Committee requested additional information. Gary Picker, representing Ardell, provided photographs and simulations of former potential project for the Committee's review. Tescher described the provided information in detail.

Tucker provided examples of possible policy topics that could be included in the General Plan based on the Ardell sites in Mariners' Mile.

Tescher affirmed that policies will be covered in the process during the next few months. Tucker discussed the Advisory Committee's ability to study more than is ultimately included in the City Council's final recommendation.

Selich asked if the floor area could be transferred from one property to another. City staff confirmed that the General Plan currently provided this ability if both parcels were in the statistical area. Staff added that this is currently done by applicants through a zoning application. Selich noted that additional incentives may be necessary.

Gary Pickett, representing Ardell, agreed with consultant's economics feasibility study and sought to work within the framework. He suggested looking at increases in height in order to make a project feasible, per the conclusions of the economic feasibility study.

Tucker asked if there is anything we can do in the General Plan now to address the issues that the General Plan can essentially not be implemented on these properties.

Tescher will work with staff to develop recommended policy options for the Advisory Committee to respond to.

## **b. Airport Area**

Tescher introduced the additional staff recommendations for the Airport Area.

- i. The Hangars** – Requesting a change from CO-G to CG to allow for 278,264 SF of Office and 11,800 SF of retail.
- ii. Saunders** – Requesting a change from AO to MU-H2 including 1.2 M of office and 685 Dwelling Units. (An increase of 10,840 trips) (4,192 are attributed to residential) (13,296 office trips) Residential is located adjacent to the airport – but not within the CNCL line.
- iii. Fletcher Jones/Auto Dealer** – Permit auto dealership. Staff clarified that Auto dealerships are Conditionally Permitted within the city, so if the use were added to the MU-H2 permitted uses, it would be conditionally permitted in that zone.  
NOTE: Map on PowerPoint was incorrect, should be the southernmost corner of the designated area.
- iv. Campus/Jamboree** – Request to add senior living, housing, and/or hotel. However the current property does not meet the existing lot size minimums. Trip neutral was communicated to the city.
- v. Lyon** – Request for +700 Dwelling Units for Airport Area. (from 2,200 to 2,900 units – replacement units)

Brine and Whiteman discussed the intricacies of the traffic model and related assumptions.

Selich asked "applicants and/or representatives" to comment.

- (i)** Representative Carol McDermott gave an overview of The Hangars property request.

Selich asked if the applicant's intent was to completely rebuild site. McDermott indicated the need for flexibility given the timing of the effort and the need for additional site planning. Brine reiterated the need for additional retail related economic analysis in order to address additional trip information.

- (ii)** Patrick Strater representing Saunders gave an overview of the aspirational zoning proposal by the applicant to create a "Coastal Gateway Zoning Overlay." Requested that they be permitted to continue to work with staff to fit this into the current amendment process.

Gardner discussed the City's dedication to addressing traffic. Asked the applicants representative for ideas that would address circulation issues, given the proposed number of increased trips.

Committee members discussed options provided by staff for this property and the various implications economically and politically.

- (iii) Fletcher Jones representative, Carol McDermott discussed a high end dealership opportunity complicated by no compete and confidentiality restrictions. She described the site as being adjacent/near two other existing dealers and sheltered from nearby residential uses. She indicated that her applicant was trying to work within the General Plan constraints, but requested the car dealership use be listed in the anomaly table and that the use would maintain trip neutrality.

Selich confirmed that the issue was land use compatibility and not intensification. McDermott described potential options for moving forward through TDR and other mechanisms if the use is permitted on the property.

Advisory Committee members discussed how the proposal fit within the concept plan that was included in the 2006 General Plan.

- (iv) John Young, representative of Campus and Jamboree property, requested 170 congregate care units as an anomaly and an increase of FAR of approximately 2.0 FAR. Their intent to stay trip neutral on this site.
- (v) Lyon/Newport Corporate Center representative, Carol McDermott, provided an overview of the request. Indicated that the applicant was working with a mixed use architect to develop a proposal for this site. Provided additional information of how the site was looked at for possible change during the 2006 General Plan process. Scott from Lyon was in the audience. The 700 replacement residential units was chosen for analysis to provide flexibility for this property, as well as the rest of the Airport Area.

Gardner articulated how with all of the requests it seemed like the Airport Area could be reconceived. She questioned if the Advisory Committee will have enough time to do the studies that are required.

Tescher asked for time to discuss with city staff and consulting staff to determine what can be accomplished within the proposed timeframe. He indicated that the environmental analysis timeframe projection assumed a generally trip neutral project.

Tucker summarized the discussion today as potentially reopening or deviating from the 2006 vision for the Airport Area. He discussed the best way to move forward, either treating the airport area as a whole or by removing the "first come first serve" process and addressing each site specifically.

There was no additional public comment.

**c. Lower Castaways** – This request was brought to staff by the Harbor Commission. The General Plan limits the property to 2,000 square feet, Marine-related uses permitted. Gardner volunteered to coordinate with the Harbor Commission and report back.

**d. The Irvine Company** – Requested removal of 357 residential units at Newport ridge. Modify decrease in hotel rooms in Newport Coast from 1,022 to 977, Additional 50 units at Promontory Point, and approximate net trip reduction. Staff has not done any additional analysis on this proposal at this time, but estimate that this projection is accurate. Staff will provide additional information at the October 1<sup>st</sup> meeting.

Jim Mosher questioned the compatibility of the land use designation and the deed restrictions on the Lower Castaway property. He asked about trip implications.

## V. Overview of Potential Policy Areas

Wisneski announced that this discussion will be continued until October 1<sup>st</sup> meeting.

## VI. Next Steps

Direction to staff is to look at what was brought up today and see if it is feasible to provide this information in the existing schedule.

**VII. Public Comment on Non-Agendized Items**

No Comment

**VIII. Adjournment** *Next Meeting Date: October 1, 2013, at 3:30 p.m.*

The agenda for the Regular Meeting was posted on September 12, 2013, at 2:30 p.m., on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

# **Attachment No. 2**

Additional Staff Recommendations



## NEWPORT BEACH LAND USE ELEMENT ADVISORY COMMITTEE

# OCTOBER 1 MEETING

# DISCUSSION PAPER

The following presents staff responses to two questions raised by the Land Use Element Advisory Committee (LUEAC) at its September 17, 2013 meeting.

**1. Are there policy approaches to enable the transfer of development capacity from bayfront properties to and increasing the intensity of inland properties in the Mariners' Mile corridor?**

Policy LU 4.3/Transfer of Development Rights permits the transfer of development rights from a property to one or more other properties when:

- a. The donor and receiver sites are within the same Statistical Area.
- b. The reduced density/intensity on the donor site provided benefits to the City such as, but not limited to, the (1) the provision of extraordinary open space, public visual corridor(s), parking, or other amenities; (2) preservation of an historic building or property or natural landscapes; (3) improvement of the area's scale and development character; (4) consolidation of lots to achieve a better architectural design that could be achieved without lot consolidation; and/or (5) reduction of local vehicle trips and traffic congestion.
- c. The increment of growth transferred to the receiver site complements and is in scale with surrounding development, complies with community character and design policies contained in this Plan, and does not materially degrade local traffic conditions and environmental quality.

The 2006 General Plan does not constrain the application of this policy to the Mariners' Mile corridor. However, the height restrictions currently specified by the Zoning Ordinance would not enable development at the additional inland densities, including the base maximum densities allowed by the MU-H1 category (refer to Economic Market Analysis).

The LUEAC may wish to develop additional policies for the Mariners' Mile corridor in the next phase of the LUE Amendment process to ensure compliance with the conditions described in Policy LU 4.3 and, as a separate action, consider the appropriateness of recommending subsequent revisions of the Zoning Ordinance to allow increased building heights in this area.

**2. What are the implications for the scope and timing of the LUE Amendment Supplemental Environmental Impact Report of increasing development capacities in the Airport Area?**

- a. Additional Replacement Housing

The 2006 General Plan Environmental Impact Report (EIR) evaluated the impacts of approximately 4,500 residential units in the Airport Area. While the Area's housing capacity was reduced to a maximum of 2,200 units by the City Council for the adopted General Plan, the certified EIR

addresses the higher number. For the LUE Amendment process, requests for additional housing capacity have been submitted by Lyon Homes for a net increase of 150 replacement units (current base: 1,650 replacement units and 550 additive units) and Saunders Properties for 685 apartments. Cumulatively, the additional 835 units are within the limits evaluated by the 2030 General Plan and EIR and would not affect the scope and timing for preparation of the SEIR.

b. Development Exceeding the 2006 General Plan Capacities

It is anticipated that increases in development capacity proposed by project proponents in the Airport Area can be addressed in the LUE Amendment SEIR, tiering from the 2006 GP EIR. Of these, Saunders Properties have requested the most significant increase doubling the permitted floor area ratio and allowing mixed-use office and residential development on the property (current base: 575,000 square feet of office; request: 1.2 million square feet of office and 685 apartments). While the proposed uses could be evaluated through the LUE Amendment SEIR, it is expected that the additional impacts would result in the need for coordination with and responses to issues likely to be raised by affected agencies including the Airport Authority and adjoining cities and would be expected to prolong the time period for the SEIR's preparation and processing. Requests for amendments for Fletcher Jones, the UAP Companies, and The Hangars property would not affect the SEIR's timing provided that they maintain trip neutrality.

# **Attachment No. 3**

Potential Land Use Changes Chart

**POTENTIAL LAND USE CHANGES FOR LUEAC REVIEW AND APPROVAL**  
**October 1, 2013 Meeting**

**Group A:** The following lists potential land use changes previously discussed and for which there was informal consensus for approval by the LUEAC. Please review these and confirm your recommendations for formal approval by vote at the October 1 meeting.

Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Increase (Reduction)	Remaining	
<i>Areas with reduced development capacity</i>								
3	Westcliff Plaza	Neighborhood Commercial (CN)	138,500 SF	112,986 SF	NC	(15,514 SF)	11,000 SF	(593)
6	Newport Coast Center	Neighborhood Commercial (CN)	141,787 SF	103,712 SF	NC	(37,825 SF)	200 SF	(1,448)
7	Newport Coast Hotel	Visitor-Serving Commercial (CV)	2,150 rooms	1,128 rooms	NC	(997 rooms) <sup>1</sup>	25 rooms	(7,557)
8	Bayside Center	Neighborhood Commercial (CN)	66,000 SF	65,284 SF	NC	(366 SF)	350 SF	(14)
9	Harbor View Center	Neighborhood Commercial (CN)	74,000 SF	71,993 SF	NC	(1,857 SF)	150 SF	(71)
10	The Bluffs	General Commercial (CG)	54,000 SF	50,312 SF	NC	(3,538 SF)	150 SF	(135)
11	Gateway Park	Commercial Corridor (CC)	4,356 SF	0	Parks and Recreation (PR)	(4,356 SF)	0	(167)
<i>Areas with no change of development capacity</i>								
13	Lido Village				NC	0		0
14	Mariners' Mile				NC	0		0
<i>Areas with change of land use designation and increased development capacity</i>								
1	1526 Placentia (King's Liquor)	Multi-Unit Residential (RM)	18 DU/AC	Retail: 7,524 SF	General Commercial (CG)			251
2	813 East Balboa Boulevard	Two-Unit Residential (RT)	2 units`	Day Spa 1,917 SF	Mixed-Use Vertical (MU-V)			65

<sup>1</sup> Property owner has revised original request of a 1,200 hotel room reduction to retain 25 hotel rooms

Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Increase (Reduction)	Remaining	
<i>Areas with increased development capacity</i>								
5	Newport Center/ Fashion Island	Regional Commercial (CR), Regional Commercial Office (CO-R), Medical Commercial Office (CO-M), Mixed Use Horizontal (MU-H3), Visitor-Serving Commercial (CV), Multiple Unit Residential (RM)			NC	Regional Office 500,000 SF; Regional Commercial 50,000 SF; Multi-Family 500		8,768
12	Harbor Day School	Private Institutional	99,708 SF		NC	14,244 SF <sup>2</sup>		0
<b>Net ADT Change</b>								<b>(991)</b>

**Group B:** The following lists areas for which requests have been submitted by developers/property owners and City staff for further consideration by the LUEAC. Please review these and confirm your recommendations for formal approval by vote at the October 1 meeting.

Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Capacity	Increase (Decrease)	
4	Saunders Properties	Airport Office and Supporting Uses (AO)	575,000 SF		Mixed Use Horizontal (MU-H2)	1.2 million SF office 685 DUs	625,000 SF 685 DUs	10,840
	The Hangars	General Commercial Office (CO-G)	288,264 SF office		General Commercial (CG)	278,264 SF office 11,800 SF retail	NC	342

<sup>2</sup> Assumes building expansion to serve existing students

Map Reference	Location	2006 General Plan		Existing	Proposed Changes			ADT Changes
		Designation	Allowable		Designation	Capacity	Increase (Decrease)	
	Lyon Homes	Mixed Use Horizontal (MU-H2)	1,650 replacement units; 500 additive units		NC	2,350 replacement units	700 DUs	0
	UAP Companies	Mixed Use Horizontal (MU-H2)	46,044 SF		Revise Anomaly #6 to allow more floor area for trip neutral congregate care only			0
	Fletcher Jones	Mixed Use Horizontal (MU-H2)			NC: Allow automobile sales in (MU-H2)			0
1	1499 Monrovia	Multiple Residential (RM)	18 DU/AC	Vacant office building	NC			0
15	Newport Ridge	Multi-Unit Residential (RM) Single Unit Residential Detached RS-D	2,550 DUs	2,187 DUs	NC	2,194 DUs	(356 DUs)	(2,370)
16	Promontory Point Apartments	Multiple Residential (RM) 520 DUs	520 DUs	520 DUs	NC	570 DUs	50DUs	269
<b>Net ADT Change</b>								<b>9,081</b>



# Study Areas – Reference Map

